

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Fiscal Year 2002 Annual List of Certifications and

Assurances for Federal Transit Administration Grants and Cooperative Agreements

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice

SUMMARY: This Notice contains FTA's comprehensive compilation of the Federal Fiscal Year 2002 certifications and assurances to be used in connection with all Federal assistance programs FTA administers during Federal Fiscal Year 2002, as required by 49 U.S.C. 5323(n).

EFFECTIVE DATE: (insert date of publication in the Federal Register)

FOR FURTHER INFORMATION CONTACT: FTA staff in the appropriate Regional Office listed below. For copies of other related documents, see the FTA Web Site at <http://www.fta.dot.gov> or contact the Office of Public Affairs, Federal Transit Administration (202) 366-4019.

Region 1: Boston

States served: Maine, New Hampshire, Vermont,

Connecticut, Rhode Island, and Massachusetts

Telephone # 617-494-2055

Region 2: New York

States served: New York, New Jersey, and Virgin Islands

Telephone # 212-668-2170

Region 3: Philadelphia

States served: Pennsylvania,

Delaware, Maryland, Virginia,

West Virginia, and District of Columbia

Telephone # 215-656-7100

Region 4: Atlanta

States served: Kentucky, North

Carolina, South Carolina, Georgia,

Florida, Alabama, Mississippi,

Tennessee, and Puerto Rico

Telephone # 404-562-3500

Region 5: Chicago

States served: Minnesota, Wisconsin,

Michigan, Illinois, Indiana, and Ohio

Telephone # 312-353-2789

Region 6: Dallas/Ft. Worth

States served: Arkansas, Louisiana,
Oklahoma, Texas, and New Mexico

Telephone # 817-978-0550

Region 7: Kansas City

States served: Missouri, Iowa,
Kansas, and Nebraska

Telephone # 816-329-3920

Region 8: Denver

States served: Colorado, Utah,
Wyoming, Montana, North Dakota, South Dakota,

Telephone # 303-844-3242

Region 9: San Francisco

States served: California,
Hawaii, Guam, Arizona, Nevada,
American Samoa, and the Northern Mariana Islands

Telephone # 415-744-3133

Region 10: Seattle

States served: Idaho, Oregon,

Washington, and Alaska

Telephone # 206-220-7954

SUPPLEMENTARY INFORMATION: Before FTA may award a Federal grant or cooperative agreement, the Applicant must provide to FTA all certifications and assurances pertaining to itself or its project as required by Federal laws and regulations. The requisite certifications and assurances must be submitted to FTA irrespective of whether the project is financed under the authority of 49 U.S.C. chapter 53, or title 23, United States Code, or another Federal statute.

The Applicant's Annual Certifications and Assurances for Federal Fiscal Year 2002 cover all projects for which the Applicant seeks funding during that fiscal year. An Applicant's Annual Certifications and Assurances applicable to a specific grant or cooperative agreement generally remain in effect either for the life of the grant or cooperative agreement to closeout, or for the life of the project or project property when a useful life or industry standard life is in effect, whichever occurs later; EXCEPT, however, if in a later year, the Applicant provides certifications and assurances that differ from the certifications and assurances previously made, the later certifications and assurances will apply to the grant, cooperative agreement, project, or project property, except as FTA otherwise permits.

BACKGROUND: Since Federal Fiscal Year 1995, FTA has been consolidating the various certifications and assurances that may be required into a single document. FTA intends to

continue publishing this document annually in conjunction with its publication of the FTA annual apportionment Notice, which allocates funds made available by the latest U.S. Department of Transportation (U.S. DOT) annual appropriations act.

FEDERAL FISCAL YEAR 2002 CHANGES: The following changes have been made:

- (1) In Certification 1.J(18), a reference to the latest OMB A-133 Compliance Supplement provisions for the Department of Transportation, dated March 2001 has been substituted for the previous compliance supplement.
- (2) In Certification 10, new FTA regulations, “Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” 49 CFR Part 655, replace FTA’s former separate drug and alcohol regulations.
- (3) A new Intelligent Transportation Systems Program Assurance, (Number 12) has been added to cover the provisions of Section VII of FTA Notice, "FTA National ITS Architecture Policy on Transit Projects" 66 Fed. Reg. 1455 *et seq.*, January 8, 2001. Accordingly, former Certifications 12, 13, 14, and 15 have been renumbered 13, 14, 15, and 16.
- (4) In Certification 16, a reference to Federal guidance was substituted for the reference to FTA guidelines because it is unlikely that FTA will issue State Infrastructure Bank guidelines.

TEXT OF FEDERAL FISCAL YEAR 2002 CERTIFICATIONS AND ASSURANCES: A detailed compilation of the provisions of the Certifications and Assurances and the Signature Page as set forth in Appendix A of this Notice, also appears in the “Cert's & Assurances” tab page of FTA's electronic award and management system. It is important that each Applicant be familiar with all sixteen (16) certification and assurance categories contained in this Notice, as

they may be a prerequisite for receiving FTA financial assistance. Provisions of this Notice supersede conflicting statements in any circular containing a previous version of the Annual Certifications and Assurances. **The certifications and assurances contained in those circulars are merely examples, and are not acceptable or valid for Federal Fiscal Year 2002; do not rely on the statements within certifications and assurances appearing in circulars.**

SIGNIFICANCE OF CERTIFICATIONS AND ASSURANCES: Selecting and submitting certifications and assurances to FTA, either through FTA's electronic award and management system or submission of the Signature Page of Appendix A, signifies the Applicant's intent to comply with the requirements of those certifications and assurances to the extent they apply to a program for which the Applicant submits an application for assistance in Federal Fiscal Year 2002.

REQUIREMENT FOR ATTORNEY'S SIGNATURE: FTA requires a current (Federal Fiscal Year 2002) attorney's affirmation of the Applicant's legal authority to certify compliance with the funding obligations in this document. Irrespective of whether the Applicant chooses to make a single selection for all 16 categories or select individual options from the 16 categories, the attorney's signature from a previous year is not acceptable.

DEADLINE FOR SUBMISSION: All Applicants for FTA capital investment program or formula program assistance, and current grantees with an active project financed with FTA capital investment program or formula program assistance, are expected to provide Federal Fiscal Year 2002 Certifications and Assurances within 90 days from the date of this publication or with

its first grant application in Fiscal Year 2002, whichever is first. Other Applicants are encouraged to submit their certifications and assurances as soon as possible.

PREFERENCE FOR ELECTRONIC SUBMISSION: FTA has expanded the use of the electronic programs for Applicants, first introduced in 1995. FTA expects Applicants registered in FTA's electronic award and management system to submit their applications as well as certifications and assurances electronically through FTA's electronic award and management system. Only if an Applicant is unable to submit its certifications and assurances through FTA's electronic award and management system should the Applicant use the Signature Page form in Appendix A of this Notice.

PROCEDURES FOR ELECTRONIC SUBMISSION: The "Cert's & Assurances" tab page of FTA's electronic award and management system contain fields for selecting the certifications and assurances to be submitted. Within that tab page are fields for the Applicant's authorized representative and its attorney to enter their personal identification numbers (PINs), and thus "sign" the certifications and assurances for electronic transmission to FTA. In certain circumstances, the Applicant may enter its PIN number in lieu of an electronic signature provided by its Attorney, provided the Applicant has on file the Affirmation of its Attorney in writing dated this Federal fiscal year as set forth in Appendix A of this Notice. Applicants may contact the appropriate Regional Office listed in this Notice or the Helpdesk for FTA's electronic award and management system for more information.

PROCEDURES FOR PAPER SUBMISSION: The following procedures apply to an

Applicant that is unable to submit its certifications electronically. The Applicant must mark the certifications and assurances it is making on the Signature Page form in Appendix A of this Notice and submit it to FTA. The Applicant may signify compliance with all Categories by placing a single mark in the appropriate space at the top of the Signature Selection Page in Appendix A. In certain circumstances, the Applicant may certify in lieu of the signature of its Attorney, provided the Applicant has on file the Affirmation of its Attorney in writing dated this Federal fiscal year as set forth in Appendix A of this Notice. Applicants may contact the appropriate Regional Office listed in this Notice for more information.

REFERENCES. The Transportation Equity Act for the 21st Century, Pub. L. 105-178, June 9, 1998, as amended by the TEA-21 Restoration Act 105-206, 112 Stat. 685, July 22, 1998, 49 U.S.C. chapter 53, Title 23, United States Code, U.S. DOT and FTA regulations at 49 CFR, and FTA Circulars.

Administrator